

WATER COUNCIL MEETING

Dept. of Environmental Services
6 Hazen Dr., Concord, N.H.

June 11, 2003
9:00 a.m.

Members present: Councilors Bradley; Butler; Cowan; Densberger; DiMarzio; Funk; Kibbey; Varotsis; Councilor McLeod's designee, Johanna Lyons; and Councilor Bartlett's designee, Randy Curtis.

Members absent: Councilors Bridges; Patenaude; Councilor Flynn or his designee, David Barrett; Office of State Planning designee, Ben Frost; and Councilor Vailas or his designee, Brook Dupee.

Vacancies: Appointee representing agricultural interests.

Vice Chairman DiMarzio opened the meeting at approximately 9:00 a.m.

Mr. DiMarzio introduced the newly appointed DES Commissioner, Michael P. Nolin. Mr. Nolin expressed his appreciation for the work of the Council.

(1) Approval of Minutes of April 9, 2003 Meeting

A motion was made by Councilor Bradley to accept the minutes of the April 9, 2003 meeting. Councilor Kibbey seconded the motion and the vote was unanimous.

• Agenda Item (4) Status of Appeals

Docket No. 01-13 WC – Appeal of Lake Ashuelot Estates Assn.

A request for rehearing was received on June 4, 2003 from Lake Ashuelot Estates, Inc. The request was not received in time to be included on the agenda for the June Water Council Meeting.

A motion was made, seconded, and unanimously voted to table consideration of the request to rehear the Lake Ashuelot appeal until the next Council meeting.

9:10 Councilor Densberger arrived.

(2) Approval of Drinking Water Filtration Grants

Richard Skarinka, P.E., of the Water Supply Engineering Bureau, requested approval of a drinking water filtration grant for Littleton Water & Light.

A motion was made by Councilor Cowan to approve the request and to recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Butler seconded the motion and it was unanimously voted.

WHEREAS, The following water system has applied to the Department of Environmental Services, under the provisions of RSA 486-A, for a grant in the amount listed to aid in defraying the costs resulting from compliance with the Surface Water Treatment Rule, as defined in said Chapter:

<u>Public Water System</u>	<u>Grant#</u>	<u>Current Grant</u>	<u>Amendment</u>	<u>Total Grant</u>
Littleton Water & Light	95-1381010	\$172,569.57	\$205,744.37	\$378,313.94

WHEREAS, The Department of Environmental Services has examined said application as to the eligibility of the construction costs for state contributions; and

WHEREAS, The Water Council finds that said project is intended to protect public health as defined in RSA 485-A;

NOW THEREFORE, The Water Council finds that all the provisions of RSA 486-A have been met by said applicants and respectfully recommends that the Governor and Executive Council approve said grant and authorize payments thereof through the Department of Environmental Services, as provided for in said Chapter.

(3) Approval of State Aid Grants

Steve Snell, of the Wastewater Engineering Bureau, requested approval of five state aid grants as outlined in a memo dated May 30, 2003 from Bureau Administrator John Bush to Director Harry Stewart.

Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Kibbey seconded the motion and the vote was unanimous.

WHEREAS, The following municipalities have applied to the Department of Environmental Services, under the provisions of RSA 486, for grants in the amounts listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>MUNICIPALITY</u>	<u>PROJ. NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>
Derry	C-652	Lagoon No. 3 Liner Replacement	\$ 194,607
Nashua	C-653	Anaerobic Digester	2,713,880
Salem	C-654	I/I Study & Sewer System Eval Survey	36,300
Newmarket	C-655	Sewerage Improvements Program, P-I	506,338
Newmarket	C-656	Nichols Avenue Utility Improvements	25,664

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for State contributions; and

WHEREAS, The Water Council finds that said projects are intended to control or reduce pollution in the surface waters of the State, as defined in RSA 485-A;

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants, and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services, as provided for in said Chapter.

(4) **Appeals Update**

Michael Sclafani, Appeals Clerk, presented an update on pending appeals.

- **Docket No. 01-13 WC, Appeal of Lake Ashuelot Estates Association**
Action was taken on this appeal as set forth after Agenda Item No. (1), page 1.
- **Docket No. 01-20 WC, Appeal of John Dixon, Sunapee**
Mr. Sclafani reviewed the following documents with the Councilors: (1) Decision & Order denying Attorney Head's Motion for Reconsideration or Rehearing and Request for Clarification filed on behalf of DES; (2) Decision & Order denying Attorney Pandolph's Motion for Rehearing on behalf of the Town of Sunapee; and (3) Letter from Attorney Shirley dated June 3, 2003 regarding wording of the Council's decisions in (1) and (2) above. A poll of the Councilors present at the August 21, 2002 hearing will be undertaken in order to clarify the vote.
- **Docket No. 02-14 WC, Appeal of Randall Parker**
The Council voted at its April meeting to stay action on this appeal as the parties are in settlement negotiations. A verbal agreement has been reached and a written agreement is being prepared. It is expected that this will be completed by the Council's next meeting, at which point this appeal will be withdrawn.

Councilor Varotsis moved to continue the stay on this appeal until the Council's next meeting. Councilor Bradley seconded the motion and it was unanimously voted.

(5) **Discussion of Status of Proposed Septage Rules and Municipal Compliance**

Richard Flanders of the Residuals Management Section and Patricia Hannon, Septage Coordinator, discussed municipality compliance in providing access to approved septage disposal facilities. Ms. Hannon's position was created through the efforts of the Septage Task Force to work with municipalities to raise awareness of their legislated responsibilities. The legislature, recognizing the severity of the problem, has created state aid grants to provide up to 50% of eligible costs for a municipality to increase capacity by either upgrading an existing facility or by siting a new facility. Twenty-four municipalities have come into compliance over the past eleven months. Due to the closing of several septage lagoons throughout the state, millions of gallons of septage are now being trucked to out-of-state disposal facilities. The goal is to have each NH community come into compliance by either having its own facility or a signed agreement in place with another community to accept septage.

- (6) **Discussion of Procedural Rules**
Vice Chairman DiMarzio encouraged Councilors to submit to him or Councilor Varotsis any concerns or suggestions they may have regarding the proposed procedural rules. Mr. DiMarzio will bring their comments to the next committee meeting.
- (7) **Legislative Update**
Harry Stewart, P.E., Director and Russell Nylander, P.E., Chief Engineer discussed the status of legislation with the Council. Bills have been passed which will stabilize funding for positions in the Wetlands Bureau and Site Specific Section to address permitting backlogs. Funding also has been included in the current version of the 04-05 state budget to do instream flow pilot studies, but not for long-term implementation programs.
- (8) **Other Business**
There was no further business to come before the Council.
- (9) **Next Meeting**
The next meeting will be July 9, 2003.
- (10) **Adjournment**
The meeting adjourned at approximately 9:45 a.m.